

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JASON WINEKE,

Plaintiff,

vs.

TRANSUNION CREDIT AGENCY,

Defendant.

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Cause No. 1:18-cv-3306-WTL-DLP

ENTRY DISMISSING CASE WITHOUT PREJUDICE

The Magistrate Judge assigned to this case has recommended that this case be dismissed without prejudice based upon the Plaintiff's failure to comply with her orders to appear. Those failures are fully set forth in the Magistrate Judge's Entry, *see* Dkt. No. 32, and include twice failing to appear before the Magistrate Judge. Since that Entry, which was dated April 22, 2019, a series of entries sent by the Clerk of Court to the Plaintiff have been returned to the Clerk marked "Return to Sender/Attempted-Not Known/Unable to Forward" or "Return to Sender/Refused/Unable to Forward." These include entries that were mailed on April 9, 2019, April 19, 2019, and April 22, 2019. Each of them was properly addressed to the address provided by the Plaintiff to the court. *See* Dkt. No. 11 (notification of new address). That same address was used by the Plaintiff as his return address on a letter he mailed to the Court on April 12, 2019. *See* Dkt. No. 30-1. Whether the Plaintiff himself caused the mail to be returned to the Clerk, or whether he provided an invalid address to the court, the Plaintiff is responsible for his failure to receive the Magistrate Judge's entries. And in any event, the Plaintiff willfully failed to appear at the second hearing, as he sent an email to the Magistrate Judge that makes it clear that he received notice of that hearing. *See* Dkt. No. 30 ("[I] am writing to you [be]cause [I] will

not be able to make the Apr. 16, [20]19 court hearing. [I] didn't get any info. to come to court for the 3/6/19, so why should [I] come to the [A]pril hearing?").

The Court hereby **ADOPTS** the Magistrate Judge's recommendation, to which no objection has been filed, and **DISMISSES THIS CASE WITHOUT PREJUDICE**.

SO ORDERED: 5/31/2019

A handwritten signature in cursive script, reading "William T. Lawrence".

Hon. William T. Lawrence, Senior Judge
United States District Court
Southern District of Indiana

Copy by United States Mail to:

**Jason Wineke
5317 English Ave.,
Indianapolis, IN 46219**

Copies to all counsel of record via electronic notification